

**REMARKS**

This Amendment responds to the Final Office Action dated April 8, 2010. In the Office Action, the Examiner has rejected all pending claims under 35 USC 112, first paragraph and as obvious under 35 USC 103(a). In particular, the claims are rejected under 35 USC 103(a) as follows: claims 7-11, 13-16 and 25 stand rejected as obvious over US 2003/0064758 (“Mizuta”) in view of US 2002/0006815 (“Finke-Anlauff”) in view of US 2002/0061770 (“Ozaki”); claims 1-6 and 17-24 stand rejected as obvious over Mizuta in view of Finke-Anlauff in view of USP 6839101 (“Shima”) in view of Ozaki; and claim 12 stands rejected as obvious over Mizuta in view of Finke-Anlauff in view of Ozaki as applied to claim 7 and further in view of Shima.

Applicant’s disclosure fully supports the claimed invention and the Examiner’s rejection of the claims under 35 USC 112, first paragraph, is based on an apparent misunderstanding of the disclosure of the invention and of MPEP section 2173.05(i). This section of the MPEP is directed to the use of negative limitations. This section is inapplicable here because Applicant’s claims do not recite negative limitation. See MPEP § 2173.05(i) (“some older cases were critical of negative limitation because they tended to define the invention in terms of what it was not, rather than pointing out the invention”). The limitation that the Examiner apparently rejects as a negative or exclusionary claim element is an affirmative limitation in that it affirmatively states what the claimed invention is, namely, “a single housing having a single display.” Even if that limitation was exclusionary or negative, which it is not, the MPEP states correctly and unambiguously “the current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation.” It is only appropriate to reject a negative limitation under 35 USC § 112, first paragraph if there no basis in the original

disclosure. Here, the boundaries of the invention are sufficiently clear and based on the application as originally filed. The application clearly discloses a device having a single display that is exposed to the outside in both the closed and opened state. See Fig. 1A and Fig. 2A; also see, for example, Col. 3, ¶¶ [0018], [0031], [0036] and [0037] of Applicant's US Published Application No. 2004/0235540. For example, paragraph [0031] recites a "portable terminal unit 100 shown in Figs. 1A to 3B is applied to a mobile telephone, in which reference to numeral 101a is a **display-side** housing ...."

Applicant has amended the independent claims to further recite a coupling section and that the portable terminal unit detects rotation of the coupling section to determine whether the first and second housings are in the opened state or the closed state. The Applicant's specification expressly recites that a state detection section "detects rotation of the coupling section thereby to detect whether the portable terminal unit is in the close state or in the opened state." Applicant's US Published Application No. 2004/0235540 at [0043]. The amended claims are distinguishable over the cited prior art because none of the references disclose detecting rotation of the coupling section. In Mizuta, Hall sensors that are located on the upper and lower housings are used to determine whether the device is opened or closed. In Finke-Anlauff, the device detects when the panel 6 is in the opened position or closed position. Thus, neither Mizuta nor Finke-Anlauff disclose detecting the rotation of the coupling section in order to determine if the device is opened or closed, and hence the claims as amended are allowable over the cited prior art.

Applicant has further amended the claims to distinguish over the cited prior art. As shown, the independent claims have been amended to recite that the auxiliary operation section is inoperative in at least two states -- in the opened state and in the transition state

between the opened state and the closed state. This aspect of the claimed invention is unambiguously described in Applicant's Published Application at paragraph [0052], which recites, in part: "when it is determined that the portable terminal unit 100 is in other states than the closed state, that is, the opened state or the turning state, the lock control section 4a shuts off the electric connection of the auxiliary operation section 103 thereby to render the operation of the auxiliary operation section 3 inoperative." The prior art does not disclose this claimed feature.


In Finke-Anlauff, a function of the terminal unit in the closed state is fully different from a function of the terminal unit in the opened state and thus there is no disclosure related to a transition state between the closed state and the opened state. In other words, all cited prior art, including Finke-Anlauff, fails to disclose "wherein, in the opened state and a transition state between the opened and the closed state, said auxiliary operation section is inoperative and said main operation section is used to operate said main display section . . ." as recited, for example, in amended claim 1.

For the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, including extension fees, or credit any surplus,  
to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

  
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John C. Garces  
Reg. No. 40,616  
Schulte Roth & Zabel, LLP  
919 Third Avenue  
New York, NY 10022  
Tel.: (212) 756-2215

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